IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 12435 of 2005

Between:

M. Suresh Kumar, S/o. Narayana Rao,
R/o. 45-1-1/6, Muslim Thaticherlapalem, Visakhapatnam - 16, Visakhapatnam District.

..... PETITIONER

AND

Addl. Registering Authority & Secretary,

Regional Transport Authority,
Visakhapatnam, Visakhapatnam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of a Writ of Mandamus directing the respondent to grant permission for replacing 3 Axle Trailer in the place of present 2 Axle Trailer in respect of the petitioner's Semi-articulated Vehicle bearing Registration No. AP 31/U.2054 and A.P. 31/X.7578 in order to carry Maximum Gross Vehicle Weight of 45.2 tonnes (restricted to 44 tonnes) as per Category III (ii) of the schedule to the Notification in S.O. No. 728-E dated 18-10-1996 issued by the Government of India under the Motor Vehicles Act, 1988 by making necessary entries in the Registration Certificate and Permit in respect of the said vehicle forthwith and pass such other or further orders as are necessary.

Counsel for the Petitioner: MR.V.NARASIMHA REDDY

Counsel for the Respondent: GP FOR TRANSPORT

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner praying to issue a writ of Mandamus directing the respondent to grant permission for replacing 3 Axle Trailer in the place of present 2 Axle Trailer in respect of the petitioner's Semi-articulated Vehicle bearing Registration No. AP 31/U.2054 and A.P. 31/X.7578 in order to carry Maximum Gross Vehicle Weight of 45.2 tonnes (restricted to 44 tonnes) as per Category III (ii) of the schedule to the Notification in S.O. No. 728-E dated 18-10-1996.

2. According to the petitioner, he is the owner of a Semi-articulated goods carriage bearing Registration Number referred to earlier. The said vehicle was owned by the petitioner from 05-05-2005. The said vehicle is covered by a national permit, which is valid for a period of five years, subject to the renewal for every five years. As the petitioner intends to increase the capacity of the vehicle for transportation, proposed to replace the 2 Axle Trailer with 3 Axle Trailer so as to carry a maximum of 44 tones though under law entitled to carry 45.2 tonnes as per the schedule to the notification referred to earlier. In order to have the said effect, the petitioner made an application on 05-05-2005 seeking grant of permission from the respondent by way of replacement of the trailer. But, as no orders have been passed by the respondent, the petitioner has come up with the present writ petition.

3. At the time of hearing, the learned counsel for the petitioner reiterated the contentions and also referred to the GO issued by the Central Government in S.O.No.728-E dated 18-10-1996 showing the schedule and also the maximum weight permitted under law by the 2 Axle Trailer and 3 Axle Trailer. Therefore, sought for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government

Pleader.

5 . In view of the pendency of the application before the respondent, the respondent is directed to pass appropriate orders, expeditiously, preferably, within a period of three weeks from the date of receipt of a copy of this order, in accordance with law including the notification issued by the Central Government referred to earlier.

6. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

14th June, 2005

SKM

To

1. The Additional Registering Authority & Secretary,

Regional Transport Authority,
Visakhapatnam, Visakhapatnam District.

2. Two CCs to the G.P for Transport,

High Court Buildings, High Court of A.P.,

Hyderabad.

3. 2 CD copies